

shall be made via the Commandant of the Marine Corps, or the Chief of Naval Personnel, as appropriate. All appeals shall be made within 6 months from the date of claimant received notice of the adjudication of his claim.

[32 F.R. 16154, Nov. 25, 1967]

§ 751.30 Authorization for issuance of instructions.

The Chief of Naval Personnel, the Commandant of the Marine Corps, and the Judge Advocate General of the Navy, respectively, are authorized to issue such instructions not in conflict herewith as may be deemed necessary from time to time to give full force and effect to the purpose of this part.

PART 752—ADMIRALTY CLAIMS

Sec.

752.1 Delegation of final authority.

752.2 Limitation of settlement.

752.3 Public information.

AUTHORITY: The provisions of this Part 752 issued under sec. 5031, 70A Stat. 278, as amended, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 5031. Interpret or apply secs. 7621-7623, 70A Stat. 472, as amended, 79 Stat. 212; 10 U.S.C. 7621-7623.

§ 752.1 Delegation of final authority.

(a) Final authority for the settlement, where the amount paid does not exceed \$1,000,000 and where the matter is not in litigation, and direct payment of claims for damage caused by naval vessels and for towage or salvage services rendered to naval vessels are vested in the Secretary of the Navy (sec. 7622, 70A Stat. 472; 10 U.S.C. 7622).

(b) Final authority for settlement is vested in the Secretary of the Navy, where the matter is not in litigation and where the amount collected does not exceed \$1,000,000 of claims of an Admiralty nature or for damage caused by a vessel or floating object to property of the United States, which is under the jurisdiction of the Department of the Navy or to property for which the Department of the Navy by contract or otherwise may have assumed responsibility (sec. 7623, 70A Stat. 472; 10 U.S.C. 7623).

(c) The Secretary of the Navy is authorized to delegate final authority to such persons as he may designate to settle claims, not exceeding payment or collection of \$10,000 under the aforesaid statutory provisions (secs. 7622(c), 7623(c), 70A Stat. 473, as amended (79 Stat. 212); 10 U.S.C. 7622(c), 7623(c)).

(d) Pursuant to the authority cited in paragraph (c) of this section, each of the following persons has been designated to exercise the Secretary of the Navy's settlement authorization when payment or collection is within the limits specified in subparagraphs (1), (2) and (3) of this paragraph:

(1) Judge Advocate General and Deputy Judge Advocate General, not to exceed \$10,000.

(2) Assistant Judge Advocate General (International and Administrative Law) and Director, Admiralty Division, Office of the Judge Advocate General, not to exceed \$2,500.

(3) Under sec. 7622(c) [10 U.S.C. 7622(c)] only, Commander in Chief, U.S. Naval Forces, Europe, and Commander, Sixth Fleet, payment not to exceed \$1,000.

[24 F.R. 6672, Aug. 18, 1959, as amended at 30 F.R. 10980, Aug. 25, 1965]

§ 752.2 Limitation of settlement.

(a) The authority of the Secretary of the Navy to effect settlement of claims under Title 10, U.S. Code, section 7622 is subject to the same limitation as the Public Vessels Act (act of March 3, 1925, c. 428, 43 Stat. 1112; 46 U.S.C. 781 et seq.), that is, a 2-year period from the date of origin of the cause of action. Settlement must be authorized by the Secretary and accepted by the claimant prior to the expiration of such 2-year period; otherwise, thereafter the cause of action ceases to exist and the Secretary has no authority to effect settlement administratively. The "filing" of a claim, or its consideration by the Navy Department or correspondence or negotiation does not waive or extend the 2-year limitation. Where damages have not been liquidated, settlements on the issue of liability can be effected during the 2-year period, leaving the question of the extent of damage for later determination. A settlement within the 2-year period in effect constitutes a contract upon which suit could be maintained in the Court of Claims, subject to its 6-year limitation. Payment does not need be accomplished within the 2-year period.

(b) The requisite is an agreement between the Navy Department and the claimant prior to the expiration of the period when a suit under the Public Vessels Act would be barred, that, is, the 2-year period.

(c) This limitation applies to all claims, both of an admiralty nature and of a non-admiralty nature, the settlement of which is authorized until Title 10 U.S. Code, section 7622.
[24 F.R. 6672, Aug. 18, 1959]

§ 752.3 Public information.

Information as to the status of admiralty claims may be obtained upon application to the Director, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, D.C., 20350, or upon application to the Admiralty Officer or Legal Officer in the Naval District where the matter may have arisen.

[30 F.R. 10980, Aug. 25, 1965]

PART 753—NAVY FOREIGN CLAIMS

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AUTHORITY: The provisions of this Part 753 issued under secs. 2734, 5031, 70A Stat. 154, 278, sec. 2736, 75 Stat. 488, secs. 133, 2734a-b, 2737, 76 Stat. 512, 517, 767, as amended, sec. 301, 80 Stat. 379, sec. 21, 80 Stat. 1118; 5 U.S.C. 301, 10 U.S.C. 133, 2734, 2734a-b, 2736, 2737, 5031, unless otherwise noted.

SOURCE: The provisions of this Part 753 appear at 26 F.R. 10842, Nov. 21, 1961, unless otherwise noted.

Subpart A—Scope of the Foreign Claims Act

§ 753.1 General.

Claims for damage to or loss of real or personal property of a foreign country, political subdivision or inhabitant of a foreign country, and for personal injury or death of the inhabitant of a foreign country, occurring outside the United States, its Territories, Commonwealths or possessions and caused by its military forces or individual members (whether military personnel or civilian employees) thereof or otherwise incident to noncombat activities of such forces are within the scope of the Foreign Claims Act (10 U.S.C. 2734). The word "claims" as used in the regulations in this part refers to those demands for payment submitted by individuals, partnerships, associations, or corporations, including foreign countries, and states, territories, and other political subdivisions of such countries, other than such demands for payment as arise under ordinary obligations incurred by the Department of the Navy in the procurement of services or supplies. The words "Navy" and "naval", as used herein, include the Marine Corps except where the context indicates otherwise.

§ 753.2 Purpose.

The purpose of the Foreign Claims Act (10 U.S.C. 2734) is the "promoting" and "maintaining" of "friendly relations" in foreign countries by the prompt "settlement" of "meritorious" claims. The reg-